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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,306	08/20/2004	Nicholas A Oxley	04-464	5357

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EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/505,306	Applicant(s) OXLEY, NICHOLAS A	
	Examiner Korie H. Chan	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The replacement sheet in the drawing were received on 9/29/2006. This replacement sheet are approved.

The indicated allowability of claim 4 is withdrawn in view of the reference(s) to Winters. Rejections based on the cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Winters (US patent no. 5,690,303). Winters discloses an article of furniture comprising a self stabilizing support comprising a first (24 and 26) and second pair of legs (34 and 36), means (14) connected to the first pair of legs for supporting the article of furniture (12), a bearing (62, figure 2A) acting between the first and second pair of legs and allowing the second pair of legs to pivot with respect to the first pair of legs about an axis (horizontal axis on a horizontal plane), whereby the four legs of the first and second pair can, by suitably pivoting the second pair of legs with respect the first pair be firmly planted on an uneven surface to support the structure and damping means (pad 42,

figure 3) to dampen and resist pivoting movement of the second pair of legs about the bearing; wherein the only substantial relative motion between the first and second pairs of legs is the pivoting about the axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 12, 13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Winters (US patent no. 5,690,303) or Mooser (US patent no. 2,793,468) in view of Sumner (US patent no. 6,464,296).

Winters disclosed all of the claimed features of applicant's invention as discussed above.

Mooser discloses an article of furniture comprising a self stabilizing support comprising a first (12) and second (13) pair of legs (12 and 14), means (14) connected to the first pair of legs for supporting the article of furniture (15), a bearing (16) acting between the first and second pair of legs and allowing the second pair of legs to pivot with respect to the first pair of legs about an axis (horizontal axis on a horizontal plane), whereby the four legs of the first and second pair can, by suitably pivoting the second pair of legs with respect the first pair be firmly planted on an uneven surface to support the structure and damping means (17) to dampen and resist pivoting movement of the second pair of legs about the bearing.

However, neither Winters nor Mooser disclose the damping means is of fluid type dampers. To use fluid displacement type dampers are old and well-known in the furniture art as demonstrated by Sumner (Col. 2, lines 64-68). It would have been obvious to one of ordinary skill in the art to have substitute either Winter's or Mooser's damper arrangement with a fluid displacement type dampers as such is old and well-known in the art as taught by Sumner.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Winters (US patent no. 5,690,303) or Mooser (US patent no. 2,793,468) in view of Sumner (US patent no. 6,464,296). Both Winters and Mooser by themselves demonstrated all the claimed features of applicant's invention. Furthermore Mooser discloses an article of furniture which could be a chair (col. 1, line 17). However, neither Winters nor Mooser disclose the chair is one with a back. Chairs with a back is conventional as demonstrated by Sumner (chair backrest 42). It would have been a matter of obvious design choice to use the support on conventional chairs with seat and back.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Winters (US patent no. 5,690,303) or Mooser (US patent no. 2,793,468) in view of Sumner (US patent no. 6,464,296) as applied to claim 1 above, and further in view of Brentham (US patent no. 4,448,412). Both Winters and Mooser by themselves demonstrated all the claimed features of applicant's invention except for the fluid

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damper is of the piston and cylinder type. Such piston and cylinder type fluid damper is old and well-known as demonstrated by Brentham which shows fluid damper 60 with a cylindrical piston (74) and cylinder (68) acting between the chair (at 62) and the pivoting structure (64) to resist pivoting movement of the pivoting structure relative to the chair. It would have been obvious to one of ordinary skill in the art to have modify the support of either Winters and Sumner combined or Mooser and Sumner combined such that the fluid damper is of the piston and cylinder type as such is conventional and well known as demonstrated by Brentham.

Claims 6-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Winters (US patent no. 5,690,303) or Mooser (US patent no. 2,793,468) in view of Sumner (US patent no. 6,464,296) as applied to claim 1 above, and further in view of Schultz (US patent no. 4,432,116). Both Winters and Mooser by themselves demonstrated all the claimed features of applicant's invention except for the fluid damper having a body of viscous fluid of silicone fluid with bearing having a shaft, a bushing, and a chamber between the shaft and the bushing in which the body of viscous fluid is accommodated. Schultz teaches a fluid damper having a body of viscous fluid of silicone fluid (col. 3, line 62) with bearing having a shaft, a bushing, and a chamber (41) between the shaft (22) and the bushing (34) in which the body of viscous fluid is accommodated. It would have been obvious to one of ordinary skill in the art to have provided a fluid damper of either Winters and Sumner combined or Mooser and Sumner combined with the type having a bearing comprising of a shaft, a bushing, and a chamber between the shaft and the bushing in which the body of

viscous silicone fluid is accommodated as such is old and well known as demonstrated by Schultz. . Regarding claim 16, Mooser discloses an article of furniture which could be a chair (col. 1, line 17). However, neither Winters nor Mooser disclose the chair is one with a back. Chairs with a back is conventional as demonstrated by Sumner (chair backrest 42). It would have been a matter of obvious design choice to use the support on conventional chairs with seat and back.

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record demonstrate various supports fluid dampers of general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571)272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
December 8, 2006